

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

JOHN P. McDAID, SCOTT WALTERS, JODI SIEGEL, JEFFREY KAUFMAN, DRAFTKINGS, INC. and FANDUEL, INC.  
KEVIN UNGER, ALAN CORDOVER, JARRED LOKIETZ and BRANDON TARAGANO on behalf of themselves and all others similarly situated,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
See attachment A

## DEFENDANTS

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Class action pursuant to Fed.R.Civ.P. 23 for violations of state consumer fraud statutes and other other civil claims. See attachment A.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes 

(PLACE AN [X] IN ONE BOX ONLY)

## NATURE OF SUIT

## TORTS

## ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 1367 HEALTHCARE/	[ ] 1422 APPEAL	[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 316 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	28 USC 168	[ ] 400 STATE REAPPORTIONMENT
[ ] 130 MILLER ACT	[ ] LIABILITY	[ ] 365 PERSONAL INJURY	[ ] 1423 WITHDRAWAL	[ ] 410 ANTITRUST
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	28 USC 157	[ ] 430 BANKS & BANKING
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 1368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY		[ ] 460 COMMERCE
[ ] 151 MEDICARE ACT	[ ] 340 MARINE			[ ] 460 DEPORTATION
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 346 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY	[ ] 820 COPYRIGHTS	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 830 PATENT	[ ] 480 CONSUMER CREDIT
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK	[ ] 490 CABLE/SATELLITE TV
[ ] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY				
[ ] 195 FRANCHISE	ACTIONS UNDER STATUTES		SOCIAL SECURITY	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
	CIVIL RIGHTS			
	[ ] 1400 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[ ] 861 HIA (1395ff)
		[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)
			[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DWIC/DIWW (405(g))
		PRISONER PETITIONS	[ ] 740 RAILWAY LABOR ACT	[ ] 864 SSID TITLE XVI
		[ ] 463 ALIEN DETAINEE	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 866 RSI (405(g))
		[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 790 OTHER LABOR LITIGATION	
		28 USC 2255	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	
		[ ] 630 HABEAS CORPUS		
		[ ] 535 DEATH PENALTY		
		[ ] 540 MANDAMUS & OTHER		
REAL PROPERTY			IMMIGRATION	
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING		[ ] 1402 NATURALIZATION APPLICATION	
[ ] 220 FORECLOSURE RENT/LEASE & EJECTMENT	[ ] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[ ] 1405 OTHER IMMIGRATION ACTIONS	
[ ] 230 TORTS TO LAND TORT PRODUCT LIABILITY	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 650 CIVIL RIGHTS		
[ ] 240 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 655 PRISON CONDITION		
	[ ] 448 EDUCATION	[ ] 660 CIVIL DETAINEE CONDITIONS OF CONFINEMENT		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

More than

DEMAND \$ 5,000,000 OTHER

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

JUDGE Hon. Gregory H. Woods

DOCKET NUMBER 1:15-cv-07963

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
		<input type="checkbox"/> a. all parties represented				
		<input type="checkbox"/> b. At least one party is pro se.				

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION  4 DIVERSITY  
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 13 <input type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 16 <input type="checkbox"/> 16	DEF
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 14 <input type="checkbox"/> 14	FOREIGN NATION	<input type="checkbox"/> 16 <input type="checkbox"/> 16	

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

See attachment A

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

See attachment A

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:  THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
 (DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 10/16/15 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

 NO YES (DATE ADMITTED Mo. 1 Yr. 2001)  
Attorney Bar Code # 3940475

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

## Attachment A

Attorneys for Plaintiffs and the Proposed Classes:

Howard T. Longman, Esq. (HTL2489)

Melissa Emert, Esq.

STULL, STULL & BRODY

6 East 45th Street, Suite 500

New York, New York 10017

Tel: (212) 687-7230

Gary S. Graifman, Esq.

Randy J. Perlmutter, Esq.

KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C.

747 Chestnut Ridge Road

Chestnut Ridge, New York 10977

Tel: (845) 356-2570

Cause of Actions:

- I) Negligent Misrepresentation
- II) Fraud and Misrepresentation
- III) Violation of the New York Deceptive Acts and Practices Law (N.Y. Gen. Bus. § 349, et seq.)
- IV) Violation of the New York False Advertising Law (N.Y. Gen. Bus. § 350, et seq.)
- V) Violations of the Florida Deceptive and Unfair Trade Practices Act
- VI) Violation of the New Jersey Consumer Fraud Act (NJCFA)
- VII) Unjust Enrichment

Plaintiffs' Addresses and Counties:

John P. McDaid, Rockville Centre, Nassau County, New York; Scott Walters, Merrick, Nassau County, New York; Jodi Siegel, Berkeley Heights, New Jersey; Jeffrey Kaufman, Parkland, Florida; Kevin Unger, Parkland, Florida; Alan Cordover, Parkland, Florida; Jarred Lokietz, Parkland, Florida; Brandon Taragano, Parkland, Florida.

Defendants' Addresses and Counties:

DraftKings, 225 Franklin St. Boston, Massachusetts 02110; FanDuel, 1375 Broadway, New York, New York 10018.